

REMARKS

Claims 1, 2 and 4-7 remain pending in the application.

35 USC 112 First Paragraph Rejection of Claims 1, 2 and 4-7

The Office Action rejected claims 1, 2 and 4-7 as allegedly failing to comply with the enablement requirement under 35 USC 112.

In particular, the Examiner alleged that there is no description in Applicants' specification for transmission of an application program. The Examiner alleges that the specification teaches "supply" of application software programs to the client. (see Office Action, page 2)

Claims 1, 2 and 4-7 are amended herein to remove the application program language from the claims.

The Examiner alleged that "[i]t appears, the application as originally filed, was directed to supplying application software program services not the binary connects themselves to the clients."

Applicants' specification beginning at page 10, line 22 teaches application software programs, e.g., an instant messaging program, a time/expense management tools, an enterprise-resource planning program, a sales force automation program, a database queries, Web browsing, calendaring program or other similar program, that can be supplied to client devices. However, to further prosecution claims 1, 2 and 4-7 are amended herein to recite an alternate embodiment beginning at page 11, line 8 that teaches an application program service that is provided to a client device.

The Examiner alleged that there is no adequate disclosure of "how the application software programs are transmitted to the clients to the servers (i.e., directly as in peer-to-peer or via the first server)." (see Office Action, page 2)

As the Examiner correctly points out, peer-to-peer communications and communications via a server are well known within the art. One skilled in the art would appreciate that Applicants' invention can be used in conjunction with the known communication topologies that the Examiner lists, or any other

communication topologies. Applicants' claims meet the requirements of 35 USC 112, first paragraph.

It is respectfully submitted that claims 1, 2 and 4-7 are now in full conformance with 35 USC 112. It is respectfully requested that the rejection be withdrawn.

Claims 1, 2 and 4-7 over Jardin

Claims 1, 2 and 4-7 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,912,588 to Jardin et al. ("Jardin"). The Applicants respectfully traverse the rejection.

Claims 1, 2 and 4-7 recite, *inter alia*, determining with a service-chaining module of a first physical server an identity of a second physical server within a distributed environment that is able to service a request for an application program service associated with a client device.

The inventors appreciated that conventionally a request for a service from a first server that is unable to provide the requested service fails. Failure of a service is very frustrating to a user of a client device. The user must then attempt to take further action to determine the location of a server that is able to service a request for a service. Many inexperienced users may not be able to determine a location of a server that is able to service their request for service, leaving them completely without solution. Applicants' claims overcome such deficiencies in the art. In accordance with the claimed features, a first server determines an identity of a second server that is able to service an application program service, eliminating the otherwise conventional frustration a user of a client device might otherwise experience.

Jardin appears to teach a broker for the management of client requests issued by a client computer over a client-server network. (see Abstract) Depending on its availability of resources, the broker determines whether to respond to the client request, or hand-off the client request to another server. (see Jardin, Abstract)

Thus, Jardin teaches a broker that determines whether to respond to the client request, or hand-off the client request to another server. The client

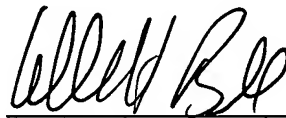
requests are for a particular file such as a text file, an image file, or an application software. (see col. 7, lines 13-15) Jardin fails to teach a request for an application program service, much less determining with a service-chaining module of a first physical server an identity of a second physical server within a distributed environment that is able to service an application program service associated with a client device, as required by claims 1, 2 and 4-7.

Accordingly, for at least all the above reasons, claims 1, 2 and 4-7 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC

2000 M Street, NW 7TH Floor
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df